



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 18, 2011

Ms. J. Middlebrooks
Assistant City Attorney
City of Dallas
1400 South Lamar
Dallas, Texas 75215

OR2011-03737

Dear Ms. Middlebrooks:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 412040 (DPD PIR #2010-11934).

The Dallas Police Department (the "department") received a request for reports classified as fraud or having a specified "UCR code" for the month of September in 2010. You claim that portions of the requested information are excepted from disclosure under sections 552.101, 552.130, and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted representative sample of information.¹

We note the requestor has excluded the following information from her request: "[s]ocial [s]ecurity numbers, driver's license numbers, motor vehicle titles, vehicle registrations, VIN numbers, vehicle plate information, employee identification numbers, law enforcement officer cellular [tele]phone numbers, law enforcement officer home address[es] or [tele]phone numbers, and family information of a law enforcement officer." Accordingly, any such information is not responsive to the present request for information. Furthermore, we note you have submitted a document that is not classified as a fraud report and does not have one of the specified UCR codes. Thus, this document, which we have marked, is not

¹This letter ruling assumes that the submitted representative sample of information is truly representative of the requested information as a whole. This ruling does not reach, and therefore does not authorize, the withholding of any other requested information to the extent that the other information is substantially different than that submitted to this office. See Gov't Code §§ 552.301(e)(1)(D), .302; Open Records Decision Nos. 499 at 6 (1988), 497 at 4 (1988).

responsive to the present request for information. This ruling does not address the public availability of any information that is not responsive to the request, and the department need not release such information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses the doctrine of common-law privacy, which protects information if it (1) contains highly intimate or embarrassing facts, the publication of which would be highly objectionable to a reasonable person, and (2) is not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). To demonstrate the applicability of common-law privacy, both prongs of this test must be established. *Id.* at 681-82. A compilation of an individual's criminal history is highly embarrassing information, the publication of which would be highly objectionable to a reasonable person. *Cf. U.S. Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 764 (1989) (when considering prong regarding individual's privacy interest, court recognized distinction between public records found in courthouse files and local police stations and compiled summary of information and noted that individual has significant privacy interest in compilation of one's criminal history). Moreover, we find a compilation of a private citizen's criminal history is generally not of legitimate concern to the public. Upon review, we find the department must withhold the information you have marked under section 552.101 in conjunction with common-law privacy.

We note that, in addition to the non-responsive driver's license numbers, license plate number and year, and vehicle identification number, the remaining information contains information subject to section 552.130 of the Government Code. Section 552.130 provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release. Gov't Code § 552.130(a)(1), (2). Accordingly, the department must withhold the Texas driver's license type we have marked pursuant to section 552.130 of the Government Code.

Section 552.136 of the Government Code states, "Notwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." Gov't Code § 552.136(b); *see also id.* § 552.136(a) (defining "access device"). Upon review, we find the department must withhold the insurance policy account number and credit card numbers you have marked, as well as the additional credit card number we have marked under section 552.136 of the Government Code.²

In summary: (1) the department must withhold the information you have marked under section 552.101 of the Government Code in conjunction with common-law privacy; (2) the

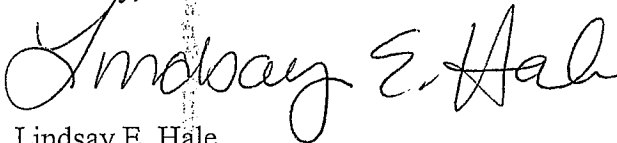
²We note this office issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including credit card numbers, debit card numbers, charge card numbers, and insurance policy numbers under section 552.136 of the Government Code, without the necessity of requesting an attorney general decision.

department must withhold the Texas driver's license information we have marked under section 552.130 of the Government Code; and (3) the department must withhold the insurance policy account number and credit card numbers you have marked, and the additional credit card number we have marked under section 552.136 of the Government Code. The remaining responsive information must be released.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Lindsay E. Hale", written in a cursive style.

Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/em

Ref: ID# 412040

Enc. Submitted documents

c: Requestor
(w/o enclosures)